United Nations A/AC.259/19

General Assembly

Distr.: General
14 May 2009

Original: English

United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea
Tenth meeting
17-19 June 2009

Taking stock: tenth year review of the achievements and shortcomings of the Informal Consultative Process

Submitted by the Group of 77 and China

General considerations on the Informal Consultative Process

1. The General Assembly established the United Nations Open-ended Informal Consultative Process on Oceans in 1999, pursuant to its resolution 54/33 entitled "Results of the review by the Commission on Sustainable Development of the sectoral theme of 'Oceans and seas': international coordination and cooperation", upon recommendation of the Commission on Sustainable Development (see E/CN.17/1999/20, chap. III, sect. B, paras. 38 (d)-45). In its resolution 63/111, the Assembly decided that the Consultative Process at its tenth meeting would focus its discussions on the implementation of the outcomes of the Process, including a review of its achievements and shortcomings in its first nine meetings.

2. The Group of 77 and China has been supportive of the Consultative Process as a process established to facilitate the annual review by the General Assembly, in an effective and constructive manner, of developments in ocean affairs by considering the report of the Secretary-General on oceans and the law of the sea and by suggesting particular issues to be considered by the Assembly, with an emphasis on identifying areas where coordination and cooperation should be enhanced at the intergovernmental and inter-agency levels.

3. A valuable feature of the Informal Consultative Process is the fact that it is open to the participation of all States Members of the United Nations, States members of the specialized agencies, all parties to the Convention, entities that have received a standing invitation to participate as observers in the work of the General Assembly pursuant to its relevant resolutions, and intergovernmental organizations with competence in ocean affairs; as such, it provides an opportunity to exchange views and share information on ocean affairs in the context of the three pillars of sustainable development.

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4. For developing States, the "vantage point" of sustainable development is the perspective that confers to the Informal Consultative Process its unique character and, which if used to advantage, will enable the Consultative Process to add value to the debate on issues pertaining to oceans and seas by identifying areas where enhanced cooperation and coordination are needed.

5. Furthermore, the multiple crises we currently face threaten the attainment of many social, economic and environmental goals. It is opportune to recall that Goal 1 and Goal 7 of the Millennium Development Goals are the ones furthest from being attained worldwide, especially in the developing world. This unfortunate circumstance makes the case for sustainable development all the more compelling. Thus, the Group of 77 and China is convinced that the Consultative Process should recapture its original mandate.

6. Oceans and seas will only be considered again in the programme of work of the Commission on Sustainable Development in 2014; had the Informal Consultative Process not been established, issues relating to oceans and seas would not have been considered from the perspective of sustainable development in any other forum of the United Nations system during a lapse of 15 years. This should not be overlooked in considering the usefulness and effectiveness of the Consultative Process.

The mandate

7. In decision 7/1 (see E/1999/29), the Commission on Sustainable Development recognized the General Assembly as the appropriate body to provide the coordination needed to ensure that an integrated approach was taken to all aspects of oceans issues, at both the intergovernmental and inter-agency levels.

8. In that regard, the Commission recognized that the exercise should be carried out in full accordance with the United Nations Convention on the Law of the Sea, taking into account the agreements reached at the United Nations Conference on Environment and Development, particularly chapter 17 of Agenda 21. It should take into account the inputs provided by the Commission on Sustainable Development and other United Nations bodies.

9. Other important principles laid out in the decision included that: (a) the creation of new institutions should be avoided; (b) the exercise of coordination should not lead to the duplication and overlapping of current negotiations and particular debates taking place in specialized forums; (c) it was not intended that the General Assembly should pursue legal or juridical coordination among the different legal instruments; and (d) the General Assembly should bear in mind the differing characteristics and needs of the different regions of the world.

10. According to resolution 54/33, an open-ended informal consultative process was established consistent with the legal framework provided by the United Nations Convention on the Law of the Sea and the goals of chapter 17 of Agenda 21 in order to facilitate the annual review by the General Assembly, in an effective and constructive manner, of developments in ocean affairs and the law of the sea by considering the reports of the Secretary-General on oceans and the law of the sea and by suggesting particular issues to be considered by it, with an emphasis on

identifying areas where coordination and cooperation at the intergovernmental and inter-agency level should be enhanced.

11. Furthermore, in paragraph 3 (d) of resolution 54/33, the General Assembly reiterated that the meetings of the Informal Consultative Process should, in identifying areas where coordination and cooperation were to be enhanced, bear in mind the differing characteristics and needs of the different regions of the world, and should not pursue legal or juridical coordination among the different legal instruments.

General evaluation of the Informal Consultative Process

12. It should be recalled that, in paragraph 3 (c) of resolution 54/33, the General Assembly decided that the meetings would deliberate on the Secretary-General's report on oceans and the law of the sea, with due account given to any particular resolution or decision of the Assembly, any relevant special reports of the Secretary-General and any relevant recommendations of the Commission on Sustainable Development.

13. An overview of the nine meetings of the Consultative Process shows that there has been little emphasis on the integrated stance of sustainable development.

14. It also shows that even though the Consultative Process was established upon recommendation of the Commission on Sustainable Development, there has not been interaction with the Commission to date. The review should also consider how the Consultative Process could contribute to the thematic cycle of the Commission on Sustainable Development, which continues to have "Oceans and seas" as the theme in 2014.

15. The Consultative Process may propose elements for consideration by the General Assembly, although in the past, the meetings of the Process have led to a negotiating exercise that has not been conducive to either the effectiveness or the utility of the Process.

The way forward

16. The process of evaluation should include a consideration of the extent to which the nine previous meetings of the Consultative Process have contributed to enhancing coordination and cooperation on capacity-building and the transfer of technology. In addition, the evaluation of the effectiveness and utility of the Consultative Process should look at whether the nine meetings of the Process have so far contributed to strengthening the annual debate of the General Assembly on oceans and the law of the sea.

17. There should be enhanced efforts to secure the participation of experts from developing countries. In the past, there have been constraints not only of a financial nature but also in terms of obtaining visas. The trust fund is currently all but depleted. It is necessary to take measures to facilitate and secure the presence of developing country experts.

18. Communication with and accessibility to the co-chairpersons in a timely manner is extremely important, in particular since they elaborate the format of the discussions and propose panel segments and panel discussions.

19. The co-chairpersons will elaborate, in consultation with delegations, a format for the discussions that best facilitates the work of the Consultative Process and the effective participation of all delegations.

20. The Consultative Process should recapture the objective of integrating the perspective of the three pillars of sustainable development (economic, social and environmental), including in the selection and examination of topics. Accordingly, the focus of the meetings, irrespective of the topics selected, should remain on sustainable development. The process for considering and selecting topics for subsequent meetings should contribute to that end, and a transparent, objective and inclusive process should therefore be devised.